

MINUTES
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BOARD OF SELECTMEN
MONDAY, MARCH 13, 2006
REGULAR SESSION
SELECTMEN'S MEETING ROOM, TOWN HALL
7:00 PM

Call to Order

A regular meeting of the Board was called to order in open session at 7:00 PM in the Selectmen's Meeting Room at Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

Questions from Town Residents

There were no questions.

Action by Writing

Memorandum from Public Works Director re: Winter Moth Public Information

DPW Director Peter Castanino and Tree Warden Tom Walsh appeared before the Board to share concerns regarding the danger posed to trees by winter moths. Mr. Walsh explained that the winter moth is not native to this area but has been seen here this winter in greater numbers. It has no natural predators and feeds on the leaves of trees. It is important that citizens be aware of the issue and that is the reason for bringing it before the Board at this time. The larvae are so small most people will not notice they are there. They seem to especially like maples which is unfortunate since there are many in Belmont. It is difficult to say how serious the problem will be, but it will become an annual problem.

The Board confirmed that a notice about this issue will be in the Belmont Citizen-Herald and also sent out along with the Light Department bills. Mr. Walsh said that the University of Massachusetts has a web site with more information and suggestions. He told the Board that the Town has not sprayed its trees with insecticide for 25 years or more. For now, until it is known how serious the problem will be, he is not recommending spraying.

Action by Appointment

Introduction of New Belmont Police Officer Personnel

Police Chief Andrew O'Malley and Assistant Police Chief Richard Lane appeared before the Board.

Chief O'Malley announced and introduced newly promoted police officers, Lieutenant Rick Santangelo and Sergeant Kristin Henebury. He also introduced new sworn officers: Arthur Darviris, and Jim Schwab. Finally, he introduced six new police officer candidates: Benjamin Mailhot, Michael Horan, Shiraz Bonosian, Cory Taylor, Kate Daxon, and Matthew Owens.

Discussion of Treasurer's Items

Town Treasurer Floyd Carman appeared before the Board. Mr. Carman explained that his office has recently issued \$2.9 million in debt for additional fire station construction costs, paying down debt on the purchase of Concord Avenue property, and the skating rink, all of which was approved by Town Meeting.

The Board moved: to sign the documents authorizing the bond issues.

The motion was carried unanimously (3-0).

Board members signed the documents and Town Clerk Delores Keefe sealed them with the Town Seal.

Action by Consent

Approval of BOS Minutes (02/04/06, 02/06/06)

The Board moved: to approve all minutes for the 02/04/06 and 02/06/06 meetings.

The motion was carried unanimously (3-0).

Action by Appointment

Application for Licenses and Permits – Original

Victualler License

Vicki Lee Boyajian DBA Vicki Lee's, 105 Trapelo Road

Ms. Boyajian appeared before the board and discussed her plans to open a bakery, café and catering establishment. She previously had a successful business in Belmont and is looking forward to being back in the Town. The upstairs will have the kitchen and the storefront will have display cases. There will be a few tables and an espresso bar. The establishment will serve an upscale breakfast and lunch. Hours will be from 8 AM to 7 PM, closed on Mondays. There will be prepared foods to go. Ms. Boyajian said her chef

has been with her for 15 years and was in her former store in Belmont. She hopes to open within two and a half weeks.

The Board moved: to approve a Victualler license for Vicki Lee's at 105 Trapelo Road.

The motion was carried unanimously (3-0).

Discussion of FY07 Budget

Elizabeth Gibson, Chair of the School Committee (SC), and Phil Curtis from the Warrant Committee's (WC) subcommittee on Education, appeared before the Board for a discussion of cuts and additions to the Town's budget and of the proposed letter on the facts relative to the roads override.

Mr. Younger reviewed a document showing spending priorities organized into Tiers. Tier I includes items that will be in the budget even if the override fails. The Town has a little extra money than was originally expected when the budget was drawn up, from local aid and return on investments – about \$700,000 for the town and school combined. With about half of that money back in the Town's budget, it is still \$616,000 less than the level service budget. However, the current reduced services budget contains items that were not in it before, such as the Youth Commission, Senior Center rent and the custodial services.

Tier II includes items that will only be funded if the override passes. Street lights will not be shut off, for example, but there would still be no Sunday library hours, one less police cruiser, reduction in overtime for police and fire, but the Town would have the ambulance back.

The Board felt the spreadsheets were confusing and requested Mr. Younger to re-format his recommendations. They requested a priority ranking of the things that are different from the original reduced services budget to the level services budget showing which things would be added back first and which things would be added back last. They also requested, if we had to go below the reduced services, what would the next \$300K in cuts be. Mr. Younger indicated he could do this the next day and get it out to the Board.

The Board discussed having a joint meeting with the SC and the WC subcommittee to continue the discussion from the recent Saturday joint meeting. Mr. Curtis said that the subcommittee does not feel it is necessary to get everyone together again. It was suggested that the WC subcommittee and the SC will not differ significantly in their views. The Board decided to go ahead with a tentative joint meeting on Monday, March 20 with the SC, to be finalized after the WC meeting this Wednesday.

There was discussion of the capital budget and what the Capital Budget Committee's priority tiers would look like. Also, the SC requested to see the proposed allocation of the state aid and investment gains between Town and schools.

The Board agreed to hold off on discussion of the override letter until later in the meeting.

Discussion of Appointment Process for New Police Chief

The Board noted Police Chief O'Malley is retiring as of May 1. There has been concern among the police department about the inclusion of external candidates. The Board clarified that it expects to consider internal candidates as well. The Town is trying to minimize the political impacts of this process but maximize the effectiveness of our search.

Assistant Chief Richard Lane, Lieutenant Chris Donahue, and the presidents of the police unions appeared before the board for discussion.

Assistant Chief Lane explained that this is a sensitive subject for the Department. He noted the Board discussed this at a meeting on a Saturday morning and it did not seem that people had a chance to have any input. The police did not know that this would be discussed at that time. He said he believes the Board should get input from several members of the community. He has heard from a number of people that they feel it should stay within the department. He noted that the police department has leaders who grew up here and know the community. The Department has been through a lot of problems over the past few years and come out stronger. Someone from the outside will not have been through those things.

Lieutenant Donahue said that the department is at a big crossroads. He expressed concern about undoing progress that has been made over the past five years. He stated he has been a police officer for ten years and his wife has also been an officer – together they have seen many chiefs. He said that outside chiefs have not worked well in other departments, and noted that the department has qualified internal candidates. A search firm will give outside candidates an advantage. He asked the Board to reconsider their decision to include external candidates.

Lieutenant Donahue pointed out that the Police Chief is no longer a civil service position, which gives the Board the ability to "can" a terrible chief.

Selectman Firenze asked the union representatives if they would advise our lieutenants not to apply or be considered for chief of police in another town for these reasons? The answer was no.

There was general agreement that both the Board and the police officers need to have confidence in the new chief.

The union representatives stated that Newton brought in a gentleman from New York to be their Chief and it was a disaster. Melrose has had five chiefs in 8 years.

Chairman Solomon said that if the Board had it to do over again, it would have held its meeting on a Monday. The Board had wanted to get the process going as soon as possible given the Chief's desire to retire as of May 1 and that was the reason this was talked about on Saturday morning. The Board does not want to undo the positive gains in morale and work environment the police have made over the last few years and is cognizant that the police are putting their lives on the line at all hours.

Selectman Brownsberger said that by opening up the process we will encourage more internal candidates to apply as well. There are a lot of men and women in the department who could be Chief. The Town is not going outside because we don't have quality candidates inside. Selectman Brownsberger said he does not want an "it's your turn" atmosphere to keep internal candidates from applying in deference to somebody. An internal candidate certainly has advantages. The Board agreed that it will not change its mind on this but does want to reassure the police that internal candidates will receive full consideration.

The Board thanked the officers for coming in to express their views.

Discussion of Wetlands Bylaw

Martha Moore and Nancy Davis from the Conservation Committee's subcommittee on the Wetlands By-law appeared before the Board.

The Board noted the proposed by-law has been revised and updated. The purpose of this discussion is simply to decide whether this article should go on the warrant.

Ms. Moore said that the subcommittee has reached out to a lot of groups in town and made changes based on their input, and believes it has a good by-law proposal now. She said that the group met with Sustainable Belmont, Health Director Donna Moultrup, WC Chair Ralph Jones, Library Director Maureen Connors, Mr. Younger, Planning and Economic Development Director Jay Szklut, Community Development Director Glenn Clancy, the McLean Land Management Committee, the By-law Review Committee, the Recreation Department, police Lt. Peter Hoerr, Rep. Anne Paulsen, the Board of Selectmen, McLean, MassAudubon, and private citizens. They have had three pieces in the newspaper, one public meeting with two more planned and are exploring doing a TV presentation. They are talking with the SC. They talked to Joel Mooney about future building projects. They have consulted lawyers.

Ms. Moore went on to explain that the Massachusetts Association of Conservation Committees came up with a revised model by-law. The subcommittee studied it and adopted a lot of the language in it. Some changes that have been made include adding a clause with exceptions for hardship or the overriding public interest; removing the language "ponds of any size" because Belmont's ponds are all of sufficient size to meet

the current state standard; and taking out the language on springs because there was not have enough information about them. Lt. Hoerr also requested some changes which the subcommittee responded to.

The Board asked if the committee feels they are ready to go to Town Meeting now. Ms. Moore affirmed that the subcommittee would like to move ahead.

Selectman Brownsberger said it is important for us to have a wetlands by-law and he will support putting this on the warrant and will vote for it. It is important to have a draft that has stabilized enough to pass Town Meeting. The concerns about its impact on existing development plans need to be carefully addressed.

Selectman Firenze noted that the subcommittee has talked to some people who had told him they were panicked. One concern is that because the appeals process goes directly to the Superior Court, the Town might have to spend money to defend the Conservation Commission's decisions. He said he is on the fence about the need for this. If it only affects a few people, why do it?

Ms. Moore answered that because we have fewer wetlands than some towns it is important to preserve what we have. If Belmont does nothing while other towns are getting these by-laws and the state Department of Environmental Protection is turning its attention away from adjudicating disputes, with money running short the Town will get less and less help from the state.

Chairman Solomon stated that he will support putting this on the ballot and will vote for it.

Mr. Conti reminded the Board that the Warrant must be signed no later than Monday, April 3.

The Board agreed to go through the warrant at its March 27 meeting.

Selectman Brownsberger moved: to put the most recent draft of the proposed wetlands by-law on the warrant for the Annual Town meeting.

The motion was carried 2-1 (Brownsberger and Solomon aye, Firenze nay).

Discussion of Wellington School

The Board proceeded with discussion of issues relative to the size of the proposed new school – how it was arrived at and how it is being communicated to the public. Also discussed was the process for tackling traffic issues. Present and participating were Ms. Gibson, SC member John Bowe, Superintendent Peter Holland, Wellington School Building Committee Chair Mark Haley and other members of the building committee, and Chair Mary-Jo Frisoli and Linda Nickens from the Traffic Advisory Committee (TAC).

Superintendent Holland explained that base enrollment at the Wellington School is currently 450 students in grades K-4. The special education program is increasing particularly at the pre-school level. It is overcrowded at the Winn Brook. So the school department expects the Wellington design will need to have space for as many as 60 pre-school students. This would allow the Winn Brook School to regain one or two classrooms now being used for pre-school. If the pre-school program stayed at the size it is at now, it could be moved all to Wellington, but if it keeps growing it will need 5 or 6 classes including regular and special education students. The Wellington also has the Walker Behavioral Program which is expected to go from 5 to 12 students. The LABBB collaborative allows Belmont to have effective and cost efficient programs within the Town, and it saves money. From this the expectation is to have 25 additional students at the elementary level. The anticipated housing developments are projected to generate 113 students. The Town will not be building a new elementary school, so it is important to be safe in making these projections and ensure that there is sufficient space to handle everything. As an example, when it was built it was thought the Chenery would have extra space and it now houses some 1200 students and there is no extra space.

The Board inquired if any of the schools currently have any excess capacity. Superintendent Holland replied that at 20 students per class, Burbank has room for 27 and Butler for 47 additional students. If the funding structure does not improve, class sizes could increase further.

The Board asked what the total population trend is. Superintendent Holland answered that the Town is approaching 3900 students total in all the schools.

Selectman Firenze noted that he would want to feel really comfortable before making the decision to build one big school rather than two smaller ones, even if two schools cost more money.

Mr. Bowe said that the Town will stand a better chance of getting state aid for one big school than two smaller ones. Ms. Gibson added that there are advantages to a bigger school, for example in dealing with behavioral problems, although she does wish it did not have to be so big.

Selectman Firenze said that the traffic issues that go along with a big school also trouble him.

Chairman Solomon pointed out that there was a huge cry about adding the 5th graders to the middle school, but that has worked out well even with 1200 students.

Selectman Brownsberger said that it would be good to put these numbers out to the public. Town Meeting members will be voting on a letter of intent for this project. When you factor in the need with two separate schools for two gyms, auditoriums, principals, take us through those numbers. Also, how do you make changes to mitigate the size issue for the neighbors?

Chairman Solomon reminded everyone that the traffic issues are not going to be solved at this meeting, but what is the process to understand them, bring them to the public and solve them? This is the biggest concern he has heard from the neighbors.

Ms. Frisoli said that there is a big gap between the functioning of the school and the functioning of the neighborhood. There have been problems at all the schools, particularly Winn Brook. The schools should look at the idea of a “walking school bus” with a route and parent volunteers who pick up the kids. This has worked in Atlanta and other places. There are these kinds of solutions that would alleviate the pressure on the neighborhood around the school. When the Building Committee and the SC are fashioning this school there are things that they can look at to minimize traffic. The Town has tried with one-way streets around the schools to handle these issues. The TAC would have to do a traffic study and will need a consultant to project what the traffic will be like with a school of this size. BSC Group is doing work for TAC and has some of the information about regional developments that we would need. It is a given that the traffic is going to increase, the question is how to move it.

Selectman Brownsberger said that even if the school was kept at its current size it’s a problem location. The traffic problem goes beyond the school and it needs to be addressed. There could be a meeting with someone from the TAC, someone from the Belmont Center Planning Group, someone from the building committee, and come back to the Board with a process to address this. This is not just a problem for the building committee.

There was agreement among those present that an ad hoc group including representatives from the TAC, SC, and school administration will need to work together on this.

Ms. Nickens noted that a lot of the enrollment pressure is from pre-school, and that raises the question about how much we want to support preschool. Also, kids from new housing developments may be more likely to be taking buses, which would decrease the expected traffic pressures.

The Board agreed it would like to hear back from the proposed ad hoc group by the end of April.

Mr. Haley indicated that the building committee can get a number for the Board on what it would cost to do two schools with three tracks of classrooms each including operating cost.

There was discussion of the uncertainty surrounding the state’s School Building Assistance reimbursement process and how much we might receive and under what conditions.

The Board members then returned to discussion of the proposed letter on the roads override. There was discussion over whether to include in the context of the override

proposal specific numbers on the reductions in town staffing over the last several years. The goal is to give the voters all the facts they need to make an informed decision.

Chairman Solomon noted the letter is 3 ½ pages long and that is a concern. There was discussion of condensing the letter down to several bullet point conclusions.

The Board members agreed that over time as a result of several factors the Town government has contracted substantially. The Board members believe what the Town is doing now is essential and it is not wasting money in any substantial way. They believe the work on roads is wanted by many people. If someone intends to vote “no” on this because they believe they cannot afford it, the Board members respect that. But Belmont is using its money well, so citizens should not vote against the override because they think the Town is wasting money.

It was agreed that the Board members will not involve the Town Administrator’s office in working on this document to avoid any concern over a political implication.

The Board members discussed stating what percentage taxes would increase in the first year and how that would compound going forward. Selectman Brownsberger will get a new draft to the other members by end of day Tuesday for changes, and Chairman Solomon will take it to the WC. When the letter is finalized, it will be sent to the newspaper as a press release. The Board members would like to get it to as many town residents as possible.

Town Administrator’s Report

Mr. Younger reported the following items:

- The Belmont Housing Trust has a forum tomorrow on Visualizing Density.
- The FY06 snow accounts have a deficit of \$64,000. The Town will try to fund this internally within the DPW accounts. The length of the storms we had made the costs higher.
- The software proposals came in today – four of them. The Information Technology Advisory Committee will help to review them and the vendors will demonstrate their products.
- Roads Corporation said they were going to send a check for our police details and we still have not received it. They are now not going to begin work until mid-April, waiting for asphalt rates to go down. Their bond issue seems to be by a reputable company in New Jersey.
- Fire station RFP – feedback on the draft is still being solicited. Friday is the deadline and it will go out early next week if there are no issues. The Board expressed its desire that this be marketed well.
- The City of Lawrence has approved red light traffic cameras but has not implemented them yet. Chelmsford has this on their Town Meeting Warrant.

The Board discussed a letter received by the Tri-Community Stormwater Working Group from the state Department of Conservation and Recreation (DCR) regarding stormwater management and flooding. Selectman Brownsberger explained that DCR has committed to clearing the areas they are responsible for and the Group appreciates this. The issue of dredging still needs to be addressed, but DCR has agreed to put in a sedimentation control at the outflow of Blair Pond which could help to prevent flooding. However, they were not willing to take the lead in coordinating efforts among the several communities. The Group will draft a response and Selectman Brownsberger will bring it back to the Board for approval.

The Board discussed a citizens' petition to place an article on the Town Meeting Warrant amending the Zoning By-law. Mr. Conti explained that the Planning Department and Town Counsel felt that the article as written would not do what the proponents seemed to be intending. The Town is required to put the article on the Warrant as written, but Mr. Conti explained that Board could also include a rewritten article of its own in order to best honor the petitioners' intent.

The Board moved: to send both articles to the Planning Board for review.

The motion was carried unanimously (3-0).

There was discussion of a formal review of the Board's goals and objectives as previously outlined and when and how to have that discussion. The Board asked the Town Administrator to highlight in the existing goals document the issues that he is concerned about.

Mr. Younger reported that the Waverley Square parking issue seems to have been resolved. Those with long-term permits will be allowed to remain in the lot overnight.

Selectman Firenze reported he had discussed the recent police fundraising calls with Assistant Chief Lane. There were some legitimate calls being made by the Police Relief Association, which does benefit some of Belmont's officers. That should be over with now and Selectman Firenze has expressed the Board's concerns about it.

Selectman Brownsberger said that after meeting with DCR he believes there are things we can do to control sewage backup in the Winn Brook area. The Town could install a pump to raise the effluent to the level at which it can flow into the MWRA system. He suggested that the Board brainstorm on this with the Stormwater & Sewer Committee after Town Meeting. Also, other communities are developing cross-connection by-laws and Belmont should look at doing this.

The Board moved: to approve a contract for BSC Group to do survey work for the Trapelo Road project.

The motion was carried unanimously (3-0). The Board signed the contract.

The Board moved: to enter into executive session for the purpose of discussing litigation and not to return to open session.

The motion was carried unanimously (3-0). The Board entered executive session at approximately 10:59 PM.

(During executive session, one substantive motion was passed unanimously. The Board adjourned at 11:15 PM.)

Thomas G. Younger
Town Administrator